Application No. 09/643,274   **Atty Docket: ICLS 1001-2**

<u>In the Claims:</u>

The following is a list of claims currently pending in this application and their current status. This listing of claims will replace all prior versions, and listings, of claims in the application.

1. (Currently amended) A method of electronically managing the closing of a real estate transaction, including:

registering with a closing server digital identifications of parties to a real estate transaction;

the closing server repeatedly interacting with one or more of the parties to build a transaction database including a plurality of agreed closing conditions for the real estate transaction, wherein a closing condition includes,

a legally binding statement of the closing condition,

a designation of the closing condition as an active condition or a passive condition,

a deadline for approving or disapproving the closing condition, and

a selection from among the parties with registered digital identifications of an authorized party entitled to approve or disapprove the closing condition;

<u>wherein the closing server accesses a closing questionnaire database and presents a questionnaire to one or more of the parties;</u>

the closing server repeatedly interacting with one or more of the parties identified by one or more of the registered digital identifications and receiving an instruction to approve or disapprove one or more closing conditions;

the closing server automatically determining that the designated active conditions that have not been approved by the deadline are breached and automatically determining that the designated passive conditions that have not been disapproved by the deadline are cleared; and

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closing the real estate transaction after all of the agreed closing conditions

have been cleared.

2. (Cancelled)

3. (Currently amended) The method of claim 1[[2]], wherein the receiving step

further includes determining whether the instruction to approve or disapprove the

condition is tendered by the authorized party.

4. (Cancelled)

5. (Cancelled)

6. (Previously presented) The method of claim 1, further including interacting

with one of the parties identified by one of the registered digital identifications and

receiving an instruction to extend a deadline to approve or disapprove the condition.

7. (Cancelled)

8. (Currently amended) The method of claim 1[[4]], further including the closing

server determining whether the deadlines for clearing the agreed closing conditions

have expired and sending a cancellation notice to the parties when the agreed closing

conditions have not been timely cleared.

9. (Previously presented) The method of claim 1, wherein the closing step

includes the closing server causing a deed to be recorded.

10. (Previously presented) The method of claim 9, wherein the deed is digitally

signed and electronically recorded.

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11. (Currently amended) A method of electronically managing the closing of a real estate transaction, including:

registering with a closing server digital identifications of parties to a real estate transaction, including a buyer and a seller;

the closing server repeatedly interacting with one or more of the parties to build a transaction database including a plurality of agreed closing conditions for the real estate transaction, including a title insurance condition and a plurality of other conditions, wherein a closing condition includes,

a legally binding statement of the closing condition,

a designation of the closing condition as an active condition or a passive condition,

a deadline for approving or disapproving of the closing condition, and

a selection from among the parties with registered digital identifications of an authorized party entitled to approve or disapprove the closing condition;

wherein the closing server accesses a closing questionnaire database and presents a questionnaire to one or more of the parties;

the closing server repeatedly interacting with one or more of the parties identified by one or more of the registered digital identifications and receiving an instruction to approve or disapprove one or more closing conditions;

the closing server automatically determining that the designated active conditions that have not been approved by the deadline are breached and automatically determining that the designated passive conditions that have not been disapproved by the deadline are cleared; and

closing the real estate transaction after all of the agreed closing conditions have been cleared.

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12. (Previously presented) The method of claim 11, wherein the title insurance condition includes a form of title insurance and a deadline for the buyer to object to a title insurance commitment.

13. (Previously presented) The method of claim 11, further including electronically receiving a title insurance commitment.

14. (Previously presented) The method of claim 13, further including the closing server electronically generating a title insurance policy order.

15. (Previously presented) The method of claim 14, wherein the title insurance condition comprises a title order condition, a title commitment condition and a title policy condition, further including the closing server comparing the electronic title insurance commitment to the electronic title insurance policy order and clearing the title order condition.

16. (Previously presented) The method of claim 13, wherein the electronic title insurance commitment includes exceptions, further including the closing server receiving consent from the buyer to the exceptions and clearing the title insurance condition.

17. (Previously presented) The method of claim 13, further including the closing server electronically generating a title insurance order; wherein the electronic title insurance commitment responsive to the title insurance order includes exceptions, further including marking exceptions to which the buyer objects and reporting the marked exceptions to the seller.

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18. (Previously presented) The method of claim 17, further including the closing server receiving the seller's agreement to correct at least one of the marked exceptions and clearing the title commitment condition.

19. (Previously presented) The method of claim 15, wherein the electronic title insurance commitment includes exceptions, further including the steps of:

marking exceptions to which the buyer objects;

reporting the marked exceptions to the seller;

the seller indicating agreement to correct the marked exceptions; and

the closing server clearing the title commitment condition.

20. (Previously presented) The method of claim 12, wherein the closing step includes the closing server causing a deed to be recorded.

21. (Previously presented) The method of claim 20, wherein the deed is digitally signed and electronically recorded.

22. (Currently amended) The method of claim 15, wherein the agreed closing conditions include a purchase price, further including:

the closing server receiving an updated title insurance commitment covering a sale of real property to the buyer ~~buying party~~, including conditions to issuance; and

the closing server clearing the title policy condition if the conditions to issuance do not include any conditions other than recordation of a deed conveying the real property to the buyer ~~buying party~~, payment of a title insurance premium, payment of the purchase price and payment of a real property tax.

23. (Previously presented) The method of claim 19, further including the steps of:

the closing server receiving an updated title insurance commitment, including a set of updated exceptions;

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the closing server determining a set of permitted exceptions which consist of the exceptions in the title insurance commitment excluding the marked exceptions; and

the closing server clearing the title policy condition if the set of updated exceptions is a subset of the set of permitted exceptions.

24. (Currently amended) A computer-assisted method of closing a real estate transaction, including:

registering with a closing server digital identifications of parties to a real estate transaction;

the closing server repeatedly interacting with one or more of the parties to build a transaction database including a plurality of agreed closing conditions for the real estate transaction, including one or more passive conditions and corresponding passive condition deadlines, wherein the passive conditions are satisfied by the passage of time unless a further step is taken to disapprove the condition, wherein a closing condition further includes,

a legally binding statement of the closing condition and

a selection from among the parties with registered digital identifications of an authorized party entitled to disapprove the closing condition;

wherein the closing server accesses a closing questionnaire database and presents a questionnaire to one or more of the parties; and

closing the real estate transaction when all of the closing conditions have been cleared by the closing server.

25. (Previously presented) The method of claim 24, further including the closing server clearing a passive condition after the passive condition deadline has passed.

26. (Cancelled).

27. (Previously presented) The method of claim 24, wherein the closing step includes the closing server causing a deed to be recorded.

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28. (Previously presented) The method of claim 27, wherein the deed is digitally signed and electronically recorded.

29. (Currently amended) A computer-assisted method of closing a real estate transaction, including:

registering with a closing server digital identifications of parties to a real estate transaction;

the closing server repeatedly interacting with one or more of the parties to build a transaction database including a plurality of agreed closing conditions for the real estate transaction, wherein a closing condition includes,

a legally binding statement of the closing condition,

a designation of the closing condition as an active condition or a passive condition,

a deadline for approval or disapproval of the closing condition, and

a selection from among the parties with registered digital identifications of an authorized party entitled to approve or disapprove the closing condition;

wherein the closing server accesses a closing questionnaire database and presents a questionnaire to one or more of the parties;

the closing server establishing an electronically accessible trust account;

the closing server repeatedly receiving a digital identification from one of the parties and an instruction to approve or disapprove one or more conditions;

the closing server automatically determining that the designated active conditions that have not been approved by the deadline are breached and automatically determining that the designated passive conditions that have not been disapproved by the deadline are cleared; and

receiving and disbursing funds from the electronically accessible trust account to settle accounts at closing.

30. (Previously presented) The method of claim 29, further including the closing server causing a deed to be recorded.

31. (Previously presented) The method of claim 30, wherein the deed is digitally signed and electronically recorded.

32. (Currently amended) The method of claim 29, wherein the agreed closing conditions include the name and contact information for an existing lender and an instruction to ~~payoff~~ pay off an existing loan owed to the existing lender, further including the steps of:

    the closing server electronically sending the existing lender a request for payoff information for the existing loan;

    the closing server electronically receiving from the existing lender a response to the request for payoff information for the existing loan, said response specifying an amount of money due;

    the closing server debiting a borrower for the amount of money due; and

    disbursing to the existing lender at closing funds equal to the amount of money due.

33. (Previously presented) The method of claim 29, wherein the agreed closing conditions include the name and contact information for an existing lender and an instruction to assume an existing loan owed by a seller to the existing lender, further including the steps of:

    the closing server electronically sending the existing lender a request for balance information for the existing loan;

    the closing server electronically receiving from the existing lender a response to the request for balance information for the existing loan, such response specifying an amount of money due;

    the closing server debiting the seller for the amount of money due; and

    the closing server crediting the buyer for the amount of money due.

34.–49. (Cancelled).

50. (Previously presented) The method of claim 6, further including the closing server interacting with another of the parties, identified by another of the registered digital identifications, and receiving a concurrence in the instruction to extend the deadline.

51. (Previously presented) The method of claim 12, further including the closing server electronically generating a deed.

52. (Previously presented) The method of claim 24, further including the closing server electronically generating a deed.

53. (Previously presented) The method of claim 1, wherein the repeatedly interacting is carried out in an interactive session over the Internet between the closing server and the parties.

54. (Cancelled)

55. (Currently amended) The method of claim 1 [[2]], wherein the repeatedly interacting with one or more parties to build a transaction database, further includes the steps of the closing server:

receiving responses to the questionnaire from one or more of the parties and

entering each such response in a field in the transaction database.

56. (Currently amended) ~~The method of claim 1,~~
A method of electronically managing the closing of a real estate transaction, including:
registering with a closing server digital identifications of parties to a real estate transaction;
the closing server repeatedly interacting with one or more of the parties to build a transaction database including a plurality of agreed closing conditions for the real estate transaction, wherein a closing condition includes.
a legally binding statement of the closing condition.

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a designation of the closing condition as an active condition or a
passive condition,

a deadline for approving or disapproving the closing condition, and

a selection from among the parties with registered digital

identifications of an authorized party entitled to approve or disapprove the

closing condition;

wherein the closing server accesses a closing questionnaire database and

presents a questionnaire to one or more of the parties;

the closing server repeatedly interacting with one or more of the parties

identified by one or more of the registered digital identifications and receiving an

instruction to approve or disapprove one or more closing conditions;

the closing server automatically determining that the designated active

conditions that have not been approved by the deadline are breached and

automatically determining that the designated passive conditions that have not

been disapproved by the deadline are cleared; and

closing the real estate transaction after all of the agreed closing conditions

have been cleared;

wherein the repeatedly interacting with one or more parties to build a transaction

database, further includes the steps of the closing server:

eliciting from one or more of the parties a property type and location by

state,

accessing a closing questionnaire database containing a set of questions

for each combination of property type and location by state,

presenting to one or more of the parties, a questionnaire containing the

set of questions for the elicited property type and location by state and containing

a response field for each question mapped to a field in the transaction database,

receiving responses to the questionnaire from one or more of the parties,

and

entering each such response in a field in the transaction database.

57. (Previously presented) The method of claim 11, wherein the title insurance

condition includes a form of title insurance, a deadline for the buyer to object to one or

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more title exceptions in a title commitment, and a deadline for the seller to agree to correct the objected to title exceptions.

58. (Currently amended) A method of electronically managing the closing of a real estate transaction, including:

registering with a closing server digital identifications of parties to a real estate transaction including a lender;

the closing server repeatedly interacting with the lender to build a transaction database including a plurality of closing conditions for funding of a loan, which closing conditions include:

ownership of the property by a buyer;

execution and recordation of a mortgage or deed of trust;

issuance by a title insurance company of a lender's title insurance policy;

wherein the closing server accesses a closing questionnaire database and presents a questionnaire to one or more of the parties;

the closing server sending a request to the lender to fund the loan subject to satisfaction of the closing conditions;

and

closing the real estate transaction after all of the closing conditions have been cleared.

59. (Previously presented) The method of claim 18, further including the closing server determining a set of permitted exceptions which consist of the exceptions in the title insurance commitment excluding the marked exceptions.

60. (Previously presented) The method of claim 19, further including the step of the closing server determining a set of permitted exceptions which consist of the exceptions in the title insurance commitment excluding the marked exceptions.

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61. (Previously presented) The method of claim 29, wherein the database containing the closing conditions is common to the parties to the real estate transaction and an authoritative repository for the closing conditions.

62. (New) Machine readable media impressed with computer program instructions adapted to carry out the method of claim 1.

63. (New) Machine readable media impressed with computer program instructions adapted to carry out the method of claim 11.

64. (New) Machine readable media impressed with computer program instructions adapted to carry out the method of claim 24.

65. (New) Machine readable media impressed with computer program instructions adapted to carry out the method of claim 29.

66. (New) Machine readable media impressed with computer program instructions adapted to carry out the method of claim 56.

67. (New) Machine readable media impressed with computer program instructions adapted to carry out the method of claim 58.